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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,248	12/31/2003	Paul Irwin	04-066	3837

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EXAMINER

GABLER, PHILIP FRANCIS

ART UNIT PAPER NUMBER

3637

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/751,248	IRWIN, PAUL	
	Examiner	Art Unit	
	Philip Gabler	3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "close off plate" of line 16 in claim 1 must be shown or the feature(s) canceled from the claim(s). Further, the twelve gusset support brackets (90), four lateral support beams (110), and two support channels (120) mentioned on page 5 of the specification must be clearly shown in the drawings. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claim 1 is objected to because of the following informalities: mention of a "secondary drain channel" in line 6 of claim one precedes rather than follows mention of a "primary drain channel" (in line 8); and the word "and" should be added to the end of line 20 to complete the list of elements comprised by the table. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. There is no description of the "U" shape features of the air chamber as recited in lines 4-6 of claim 1, the features of the primary drain channel as recited in lines 8-10 of claim 1, or the specific features of the pedestal (close off plate, etc.) as recited in lines 16-20 of

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claim 1 in the specification. Without such information, the written description is deemed inadequate and unenabling.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 1 recites the limitation "said drains" in line 15. There is insufficient antecedent basis for this limitation in the claim. Further it is not clear if "said drains" constitutes a portion of the "means for disposing" or is a separate and distinct limitation.

8. Claim 7 recites the limitation "said catch basin" in line 16. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 1, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Polen (US Patent Number 3442230) in view of Utterback (US Patent Number 5244433), Hellwig et al. (US Patent Number 5918553), Coblenz (US Patent Number 5980198), and Howorth (US Patent Number 4650171). Polen (Figures 1 and

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2) discloses a ventilated table comprising an air chamber (18) having four substantially rectangular sides (11)-(14); a plurality of lateral support beams (23)-(26); a work surface (10) sized to fit proximate to, below and inside said top edges of said air chamber thereby forming an air inlet allowing air to pass therethrough and into said chamber; and an exhaust duct (19) in communication with said air inlet through said chamber. Polen does not disclose top and bottom edges with "U" shaped projections, a plurality of gusset support brackets, a drainage system, a work surface support channel or a pedestal. Utterback (Figures 3 and 5) discloses air chambers (10) and (15), each side having a top edge (14) and bottom edge (17), the inside of said top edges formed substantially into a downward projecting "U" shape, formed by (13), (14), and (15) and shown as broken line B in Exhibit 1, the inside perimeter of said bottom edges formed substantially into an upward projecting "U" shape, formed by (15), (17), and (10) and shown as broken line C in Exhibit 1, establishing a secondary drain channel (again, indicated by broken line C in Exhibit 1); a primary drain channel, seen as (A) in Exhibit 1, proximate to said air chamber and running along said chamber's inside perimeter, said primary drain channel formed substantially into a "U" shape; a removable work surface (50) sized to fit proximately to, below and inside said top edges of said air chamber. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Polen's table to include "U" shaped projections on the edges of the sides and a removable work surface with a drain channel as taught by Utterback because this arrangement would provide Polen's table with more focused airflow for ventilation as well as a basic drainage system. Coblentz

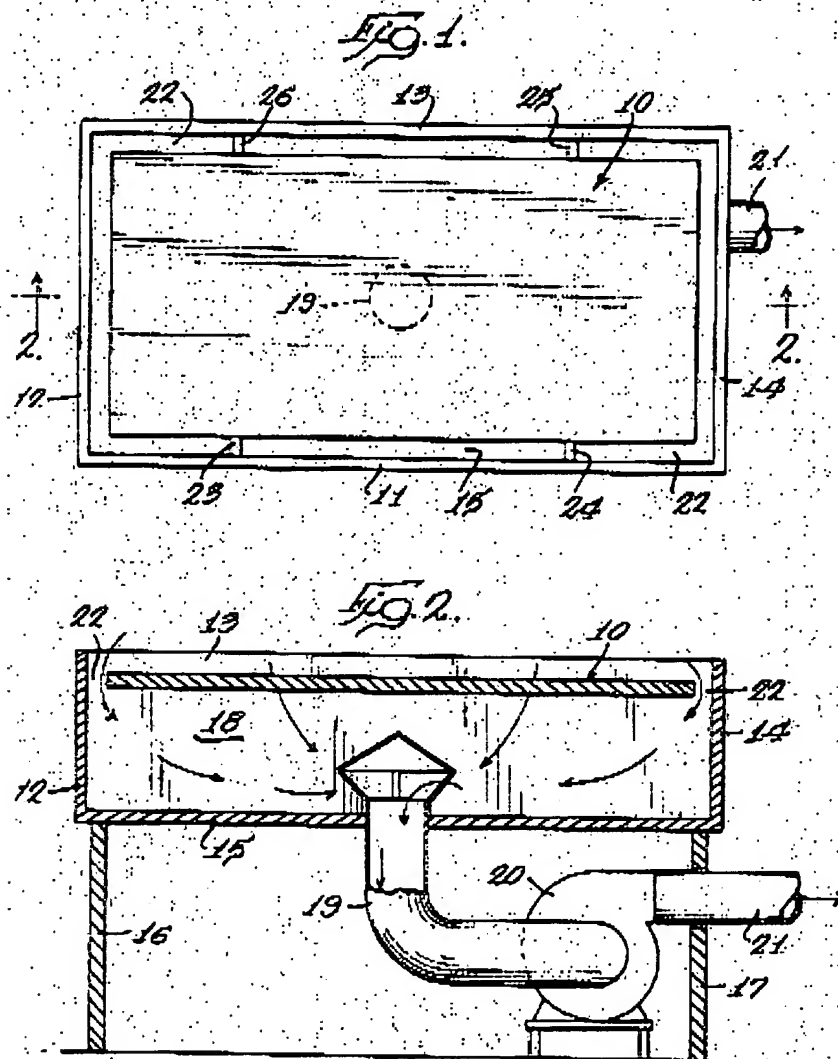
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(Figure 1) discloses a support comprising a plurality of lateral support beams (16) and at least one work surface support channel (12) affixed across said beams. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Polen's table to extend his lateral support beams and include at least one work surface support channel as taught by Coblantz because this arrangement would strengthen Polen's table and provide it with a strong but lightweight system and work surface support. Hellwig (Figure 11) discloses a table with a plurality of gusset support brackets (40). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use gusset support brackets as taught by Hellwig to attach the lateral support beams to Polen's table and to provide an attachment point for the primary drain channel because this arrangement would take advantage of the strength and simplicity of gusset support brackets and strengthen Polen's ventilation system. Howorth (Figure 7) discloses a pedestal (22) having a substantially rectangular frame forming a plenum, with a close off plate (24) on its upper surface fashioned to accept the passage of air from chamber into plenum (as described in column 3 lines 45-46, region (25) of portion (24) is perforated). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Polen's table to include a pedestal as taught by Howorth because this would provide Polen's chamber a more compact and efficient base and exhaust system as well as protecting exhaust and drainage components.

11. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Utterback in view of Hellwig et al., Coblantz, and Howorth. The prior art teaches the

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table of claim 1 as described above, but does not teach support brackets and a primary drain affixed to the air chamber by spot welding. The claim however, is a product by process claim. The product itself does not depend on the process of making it. The product by process limitation "affixed ... by spot welding" would not be expected to impart distinctive structural characteristics to the device.



Polen '230 Figures 1 and 2

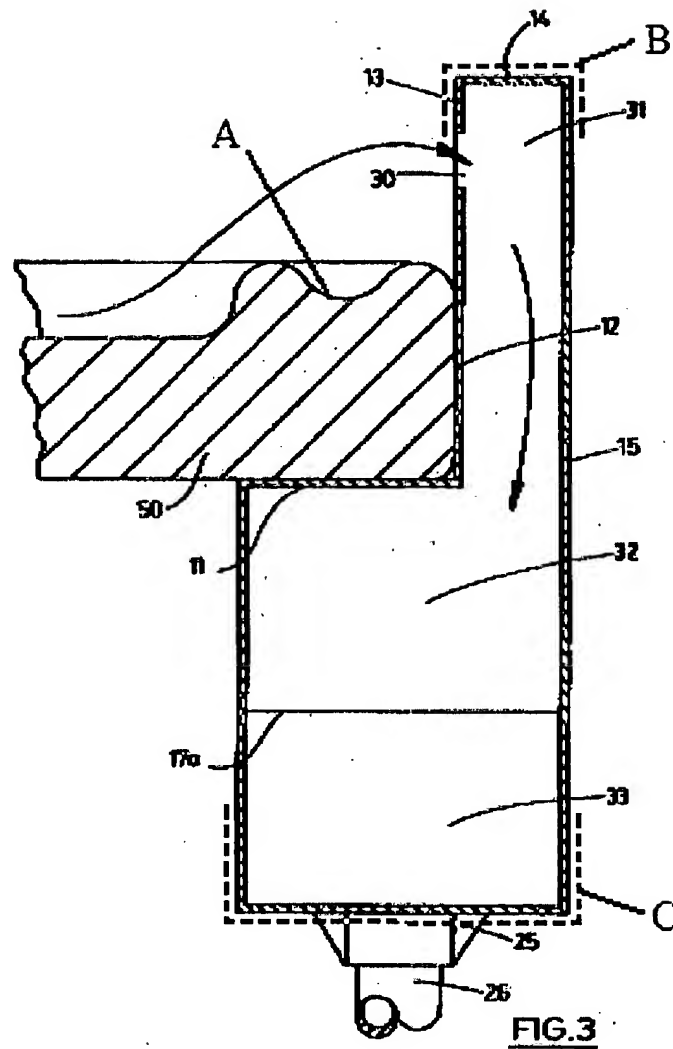


Exhibit A: Utterback '433 Figure 3

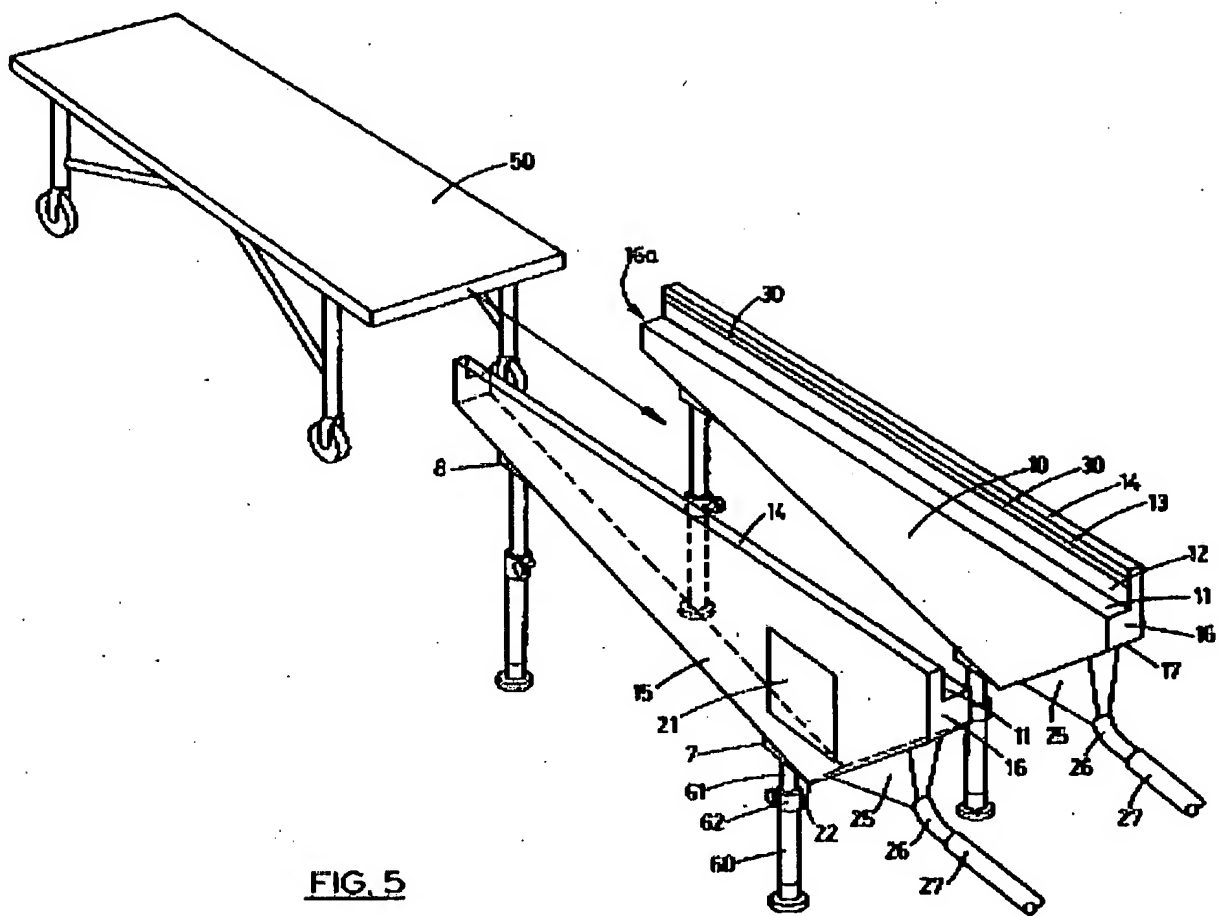
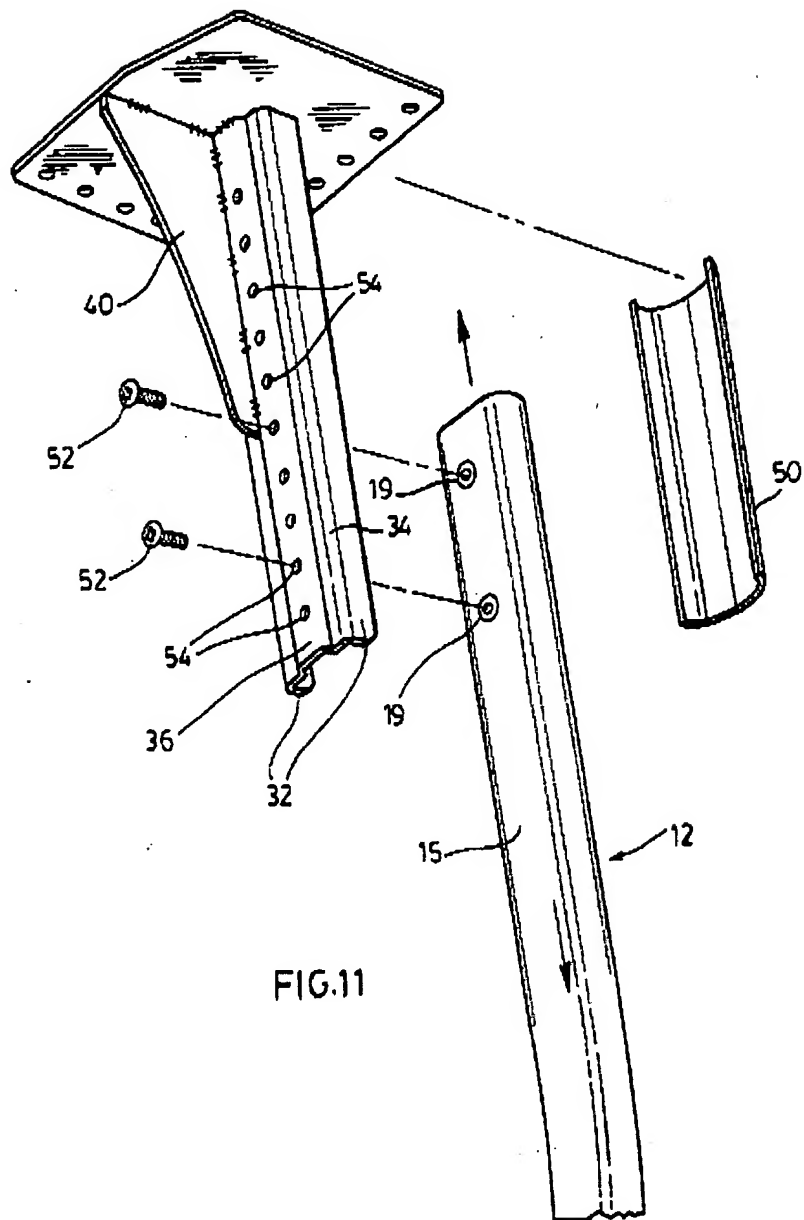
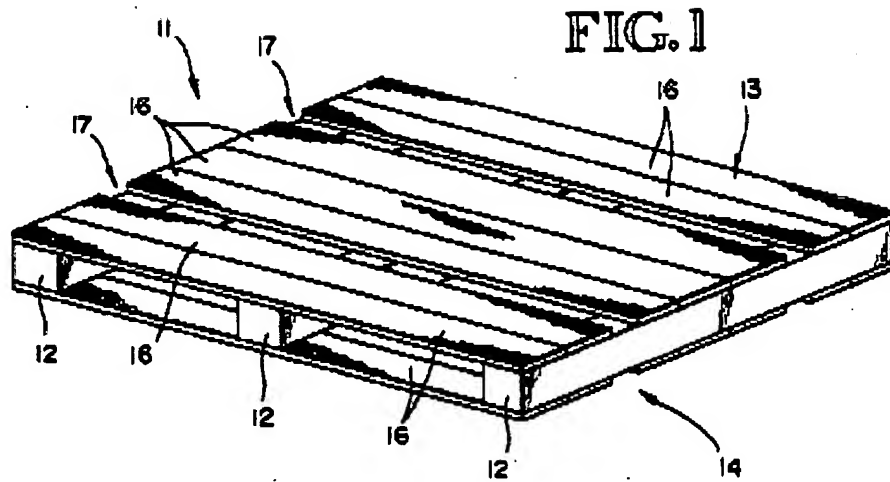


FIG. 5

Utterback '433 Figure 5



Hellwig et al. '553 Figure 11



Coblentz '198 Figure 1

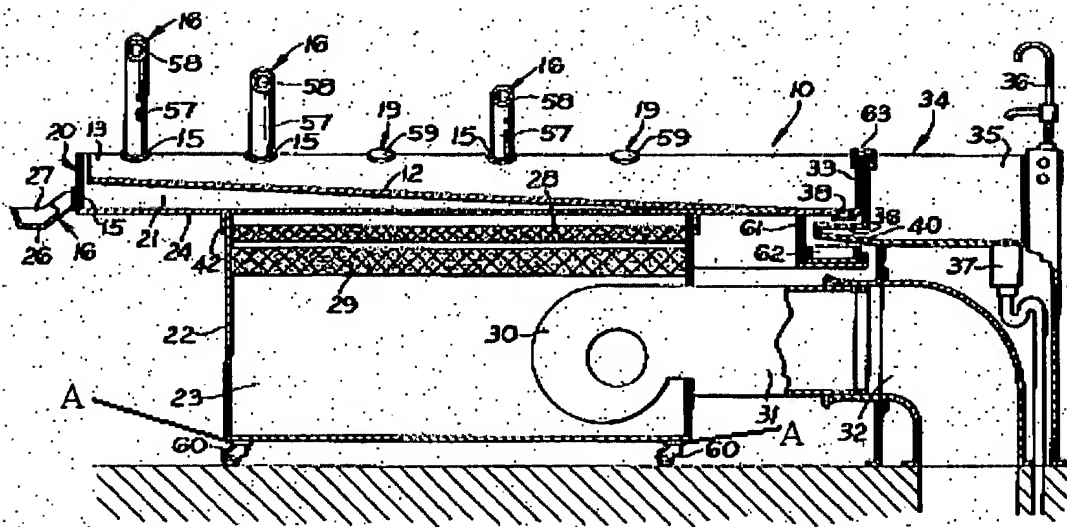


Fig. 7

Exhibit 2: Howorth '171 Figure 7

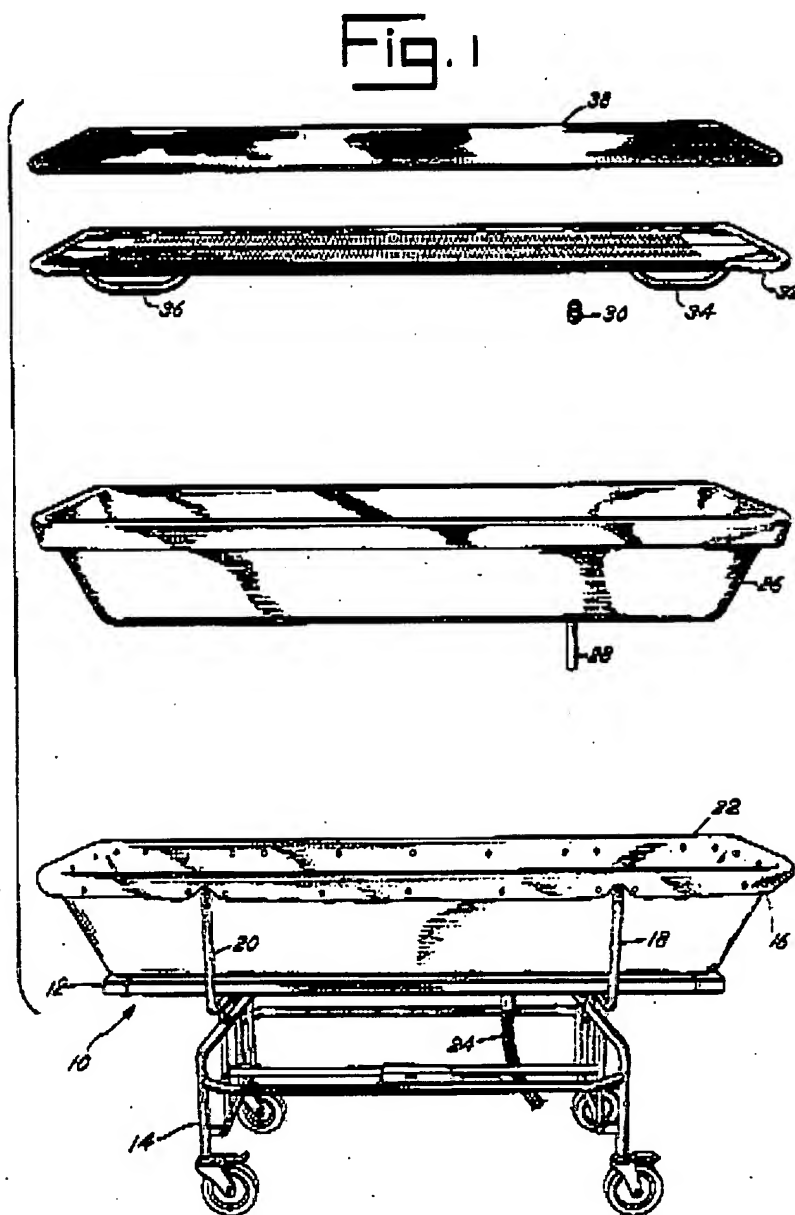
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12. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Polen, Utterback, Hellwig et al., Coblantz, and Howorth and further in view of Flaherty et al. (US Patent Number 4713850). Polen in view of Utterback, Hellwig, Coblantz, and Howorth teaches the table of claim 1 as described above, but does not teach first and second drains with first and second tubes in communication with said drains and disposal means comprising a catch basin, receptacle or pail. Flaherty (Figures 1 and 7) discloses a drain (28) and a tube (24) in communication with said drain projecting downward to a disposal means. Regarding claim 5, Flaherty further discloses a disposal means comprising a receptacle (40). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the table of Polen previously modified by Utterback, Hellwig, Coblantz, and Howorth to include first and second drains associated with the first and second drain channels with first and second tubes in communication with said drains, and a disposal means comprising a receptacle as taught by Flaherty because this would provide the prior art's table with straightforward and clean system for disposing of fluids collected in the drain channels.

13. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Polen, Utterback, Hellwig et al., Coblantz, Howorth, and Flaherty et al. and further in view of Flum (US Patent Number 6637233). Polen in view of Utterback, Hellwig, Coblantz, Howorth, and Flaherty teaches the table of claim 4 as described above, but does not teach tubes emptying into a floor drain. Flum (Figure 11) discloses a drain hose (44) for draining a reservoir (46) into a floor drain (as described in column 9, lines 33-34). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the

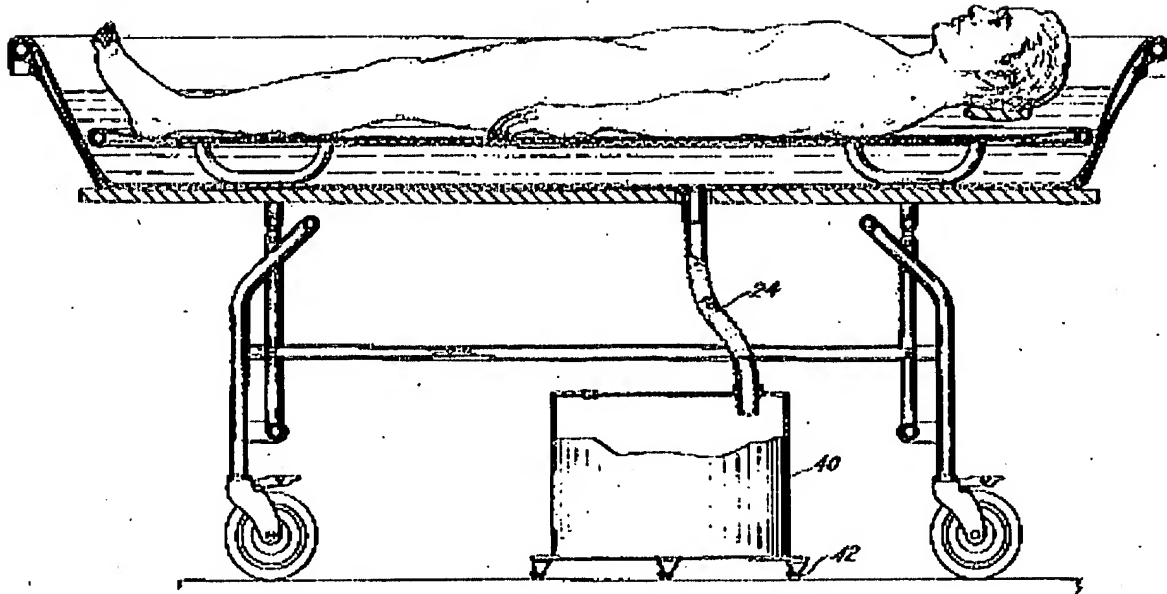
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invention was made to modify Polen's table previously modified by Utterback, Hellwig, Coblantz, Howorth, and Flaherty to allow the drain tubes to empty into a floor drain as taught by Flum because this arrangement would allow the prior art's table to dispose of fluid directly, rather than through an intermediate drainage receptacle.



Flaherty et al. '850 Figure 1

Fig. 7



Flaherty et al. '850 Figure 7

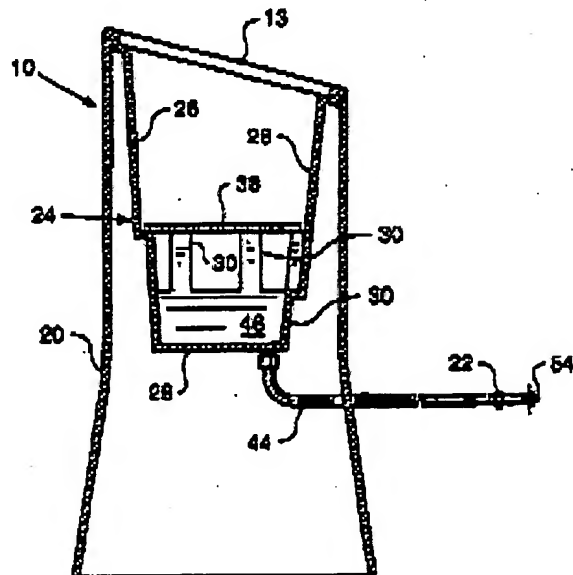


FIG. 11

Flum '233 Figure 11

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14. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Polen in view of Utterback, Hellwig et al., Coblenz, and Howorth. Polen in view of Utterback, Hellwig, Coblenz, and Howorth teaches the table of claim 1 as described above but does not include access to the inside of the pedestal or a closure means for said pedestal access. Utterback discloses a panel (21) on the side of the chamber to provide access to the inside of the chamber and for removal of drainage fluids (see column 5 lines 10-12) as well as the use of a hinge (90) to pivotally mount a structure (see column 6 lines 14-17). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Polen's table previously modified by Hellwig, Coblenz, and Howorth such that it allowed access to the inside of pedestal and provided this opening with a hinged door because this would provide the prior art's table with easy access to the drain tubes and receptacle while keeping them protected and out of the way.

15. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Polen in view of Utterback, Hellwig et al., Coblenz, and Howorth. Polen in view of Utterback, Hellwig, Coblenz, and Howorth teaches the table of claim 1 as described above but does not include at least four mounting plates and casters. Howorth discloses four mounting plates, viewed as (A) in Exhibit 2, affixed to the pedestal at its lower corners and four casters (60) affixed to said mounting plates allowing movement of the table (as described in column 7 lines 4-5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Polen's table previously modified

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by Hellwig, Coblenz, and Howorth to include mounting plates and casters as taught by Howorth because this arrangement would allow the table to be easily relocated.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Cheng reference (US Patent Number 6467112) is cited for disclosing a table with ventilation and drainage. The Jackson reference (US Patent Number 4995375) is cited for disclosing a drainage system including a drain tube leading to a floor drain. The Fischer et al. reference (US Patent Number 4901410) is cited for disclosing a dissection station including a ventilation system and a drainage system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Gabler whose telephone number is (571) 272-6038. The examiner can normally be reached on Monday through Friday, 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PFG *AB*
10/21/2005

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